

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JALEN RANDOLPH,

Plaintiff,

v.

Case No. 2:23-cv-02870

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth Preston

Deavers

CHEXSYSTEMS, INC.,

Defendant.

ORDER

This matter is before the Court on the October 31, 2023 Report and Recommendation issued by the Magistrate Judge. (ECF No. 13.) The Magistrate Judge recommends that the Court dismiss Mr. Randolph's Complaint pursuant to Federal Rule of Civil Procedure 41(b). (*Id.*) The Magistrate Judge explains that Mr. Randolph failed to respond to Defendant's Motion to Dismiss (ECF No. 7), failed to participate in the Preliminary Pretrial Conference (ECF No. 8), and failed to respond to the Court's Order directing Mr. Randolph to show cause as to why the Court should not dismiss this case for failure to prosecute (ECF No. 9). (*Id.*)

Mr. Randolph was advised of his right to object to the Report and Recommendation and of the consequences of failing to do so (ECF No. 13, PageID 98–99), but did not do so. The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 13) and **DISMISSES** the Complaint (ECF No. 4). The Clerk is **DIRECTED** to **ENTER JUDGMENT** and **TERMINATE** this case from the docket.

IT IS SO ORDERED.

12/12/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE